

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, APRIL 25, 1988, 7:30 P.M.

Mayor Jonathan B. Howes called the meeting to order. Council Members present were:

- Julie Andresen
- David Godschalk
- Joe Herzenberg
- David Pasquini
- Nancy Preston
- James Wallace
- Arthur Werner
- Roosevelt Wilkerson

Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Mayor Howes thanked the community for their participation in the food drive sponsored by the Council at the Apple Chill Street Fair. He also thanked Parks and Recreation Director Mike Loveman and Planning Draftsman Scott Simmons for their help in establishing the booth at the fair.

Mayor Howes asked Kevin Martin, President of the UNC Student Body to introduce the new Student Liaison to the Council.

Kevin Martin introduced Trey Loughran, the new UNC Student Liaison to the Town Council. Mr. Loughran commented that he was honored to have the position and that he felt it was important for their to open communications between the Town Council and the UNC student body. He said he looked forward to representing the student's ideas to the Council and the Council's ideas to the students.

Public Hearing on Sale of Land near Legion Road for Tandler Homeownership Program

Tina Vaughn, Housing and Community Development Director, said the purpose of this hearing was to receive citizen comments on the sale of property located off Legion Road to Capricorn/Isler Associates, Inc. for development of the Tandler homeownership project. She said the sale of the property was primarily a legality associated with the development agreement whereby the Town conveyed the property to the development partner. Ms. Vaughn stated that after the Town conveyed the property to the developer, the developer could enter into purchase agreements with prospective buyers. She said the property consisted of approximately 4.25 acres off Legion Road.

There were no citizen comments.

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There were no comments from the Council.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Public Hearings on Preliminary Resolutions for Mat and Seal Street Improvements

Manager Taylor stated that the Town had received ten valid paving petitions for mat and seal improvements. He said the purpose of the public hearings was to receive citizen comments on the proposed mat and seal paving. He said upon Council's approval of the street improvement projects the Town would design, bid and construct all necessary improvements, and after completion of the improvements and a public hearing on the assessment roll, the Town would assess owners of property abutting the improved streets for 100% of the actual final costs. He commented that the property owners would have the option of paying the assessment in one cash payment within 30 days after the publication of the final assessment roll or in not more than 3 annual installments.

Maple Drive

Manager Taylor stated that a petition for mat and seal had been received for Maple Drive as well as a petition for full street improvements. He said the mat and seal petition had been withdrawn at the request of the petitioners since the Council approved funds for full street improvements including asphalt pavement with curb and gutter.

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Buttons Road

Manager Taylor said Buttons Road was located off Laurel Hill Road.

Katherine Wright, speaking as a resident of Buttons Road, asked for clarification of where the road improvements would end. She said there was some confusion as to the status of Buttons Road -- was it a dead-end road with circular turnaround or was it an uncompleted road that would eventually connect with Manning Drive? She said she was willing to dedicate the right hand side of the circular end of the road to the Town if the road would remain a dead-end road. She said the right-of-way on the left hand side of the circular end had already been granted to the Town.

There were no comments from the Council.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Hoot Owl Lane

Manager Taylor said Hoot Owl Lane was located off of Meadowbrook Drive.

John Lunde asked who would maintain the road once it was paved with mat and seal.

Manager Taylor responded that the Town would maintain the road but that the Town also considered this type of paving as a short term solution for paving the road.

Jillian Debreczrny asked for clarification of where the mat and seal paving be located, i.e. would it only cover the roadway as it currently existed.

Manager Taylor stated that the Engineering Department had detailed maps of how much of the roadway would be covered by the mat and seal treatment.

There were no comments from the Council.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Spring Dell Lane

Manager Taylor said Spring Dell Lane was located off of Sourwood Drive near Kings Mill Road.

Nancy Tripoli also asked how to find out how much of the road would be paved.

Manager Taylor said the plans were located in the Engineering Department and for the property owners to visit the office and the staff would be glad to show them the plans.

There were no comments from the Council.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Ledge Lane

Manager Taylor said the Ledge Lane was located off of Country Club Road.

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John Goodwin, representing the Church of Jesus Christ of Latter Day Saints, asked what was the expected cost of the paving.

Manager Taylor responded that the preliminary estimates were based on \$1.50 to \$2.00 per linear foot.

There were no comments from the Council.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Bartram Drive

Manager Taylor said the Bartram Drive was located off of Sourwood Drive near Kings Mill Road.

There no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Shady Lawn Extension

Manager Taylor said that Shadylawn Extension was located off of Shadylawn Road and Eastwood Road.

Helen Hines commented that some of the property owners along Shadylawn Extension owned and operated heavy duty equipment. She asked if there could be signs erected indicating that to drive slow in the area in an effort to keep the mat and seal cover from deteriorating more rapidly..

Manager Taylor said the staff would look into this.

Council Member Pasquini stated that a subdivision had been approved in the area and that there had been stipulations that improvements be made to the Eastwood Road/Shadylawn intersection. He asked if there would be a problem with the mat and seal street improvements interfering with the road improvements to be done by the developer. George Small, Town Engineer, replied that the staff had been in contact with the property owner and he had signed the mat and seal petition. Mr. Small said the subdivision developer did not think he would be in the position to improve the road prior to the mat and seal and therefore was willing to pay for the mat and seal improvements even though he would have to replace some of this with full paving when he developed the subdivision.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Fern Lane

Manager Taylor said that Fern Lane was located off of Laurel Hill Road, Iris Lane and 15-501 Bypass. He said the University had property which abutted the road and had indicated that they were willing to pay the assessment for the mat and seal road improvements.

John Cross thanked the staff, especially George Small, for devising this solution for the problem of dirt roads in Chapel Hill. He said he was glad Fern Lane was included in the mat and seal project.

There were no comments from the Council.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Iris Lane

Manager Taylor said Iris Lane was located off of Laurel Hill Road and Fern Lane.

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Cameron Court

Manager Taylor said that Cameron Court was located off of Cameron Avenue.

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Petitions

Elaine Russell petitioned the Council to consider the traffic conditions on Clayton Road in relation to access to the new library and that the Council add a stop sign at the intersection of Clayton and Audubon to help with the current traffic problems on Clayton Road.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

The Council received a petition in support of an entertainment tax.

Bob Williamson, representing N.C. Equipment Company, asked to speak to item #13d, Tractor Crawler Bid.

Milton Van Hoy asked to speak to item #7b, Transportation Improvement Program.

Vern Chi asked to speak to item #5b, Annexation of Area 2.

Betty Landesburger, speaking as a resident, said that there was a need for senior citizen facilities on the east side of Chapel Hill. She suggested that the new library could contain 5 to 6 rooms for educational programs and that the Community Center could be expanded for other activities. She also suggested that space could be made available in area shopping malls under a low cost rent arrangement.

Harry Phillips, speaking as a resident and director of Peer Learning, agreed that there was a need for senior citizen facilities in Chapel Hill, especially on the east side of Town. He said seniors were currently accommodated by two area churches but if the need for services continued at its current rate then these locations would not be adequate. He said he felt this issue was something the town needed to consider in its future planning.

Robert Seymour, speaking as Pastor of Binkley Baptist Church, agreed with the comments made regarding the needs of senior citizens. He said his church served as center for senior programs in east Chapel Hill and that he was glad the church could provide the space but that they were at a saturation point for accommodating these programs. He said he felt the Community Center should be expanded to accommodate these programs.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Ken Blackwood, representing Ballentine and Associates and Goforth Properties, petitioned the Council to consider changing the requirement for the 5' sidewalk along the west side of Piney Mountain Road to the east side of Piney Mountain Road in the Forest Creek subdivision. He said the developer proposed using a retaining wall to protect the steep slopes on the east side of Piney Mountain Road.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Sally Jesse, representing the Downtown Commission, petitioned the Council to reconsider its sidewalk vendor ordinance to allow vendors along the sidewalks on Franklin Street. She said, the

Commission felt having the flower vendors, etc. on Franklin Street would add to the vitality of downtown Chapel Hill.

Council Member Andresen spoke in support of the efforts of the Downtown Commission.

Council Member Herzenberg said that this was an issue that was already being discussed in the town and that Eunice Brock had written about it in the newspaper recently.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER.

Council Member Wallace stated that when the Council had modified its ordinance regulating street vendors it had been because of the illegal activities which were being conducted by certain vendors. He said that at that time the Town had not been able to designate that only certain types of vendors would be allowed on the sidewalks and therefore had had to prohibit all vendors.

THE MOTION PASSED UNANIMOUSLY, (9-0).

Deborah Correll, speaking as a resident, petitioned the Council to review its Animal Control Ordinance to make it more effective in restraining animals from going at large. She said a neighbor's cat and her cat had been killed by dogs in her neighborhood. Ms. Correll stated that the dogs suspected of killing the cats had been reported to the Animal Control Officer on several occasions for running at large and that it appeared that the payment of a small fine was all that was necessary to release the animals back into the custody of the owners, even though the dogs had been suspected of killing other animals. She encouraged the Council to review the ordinance so that it would protect all animal owners.

Council Member Herzenberg said he was sympathetic to Ms. Correll's situation and expressed sympathy at the loss of her cat.

Council Member Werner agreed that the Animal Control Ordinance needed to be reviewed. He said situations as Ms. Correll had indicated were not uncommon.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Herzenberg asked when the Noise Committee would report back to the Council on their findings and recommendations. He said the University had ended classes last Thursday and that the evening noise problems were just beginning for the summer.

Assistant Town Manager Ron Secrist responded that the Noise Committee hoped to meet in early May to consolidate the subcommittee reports and would then make a full committee report to the Council soon after.

Mayor Howes stated that four Council Members would not be able to attend the May 2 quarterly meeting with the Parks and Recreation Commission and Transportation Board. He suggested postponing the May 2 meeting to a later date so that all the Council could be in attendance.

Manager Taylor stated that Orange County had notified him that the Joint Public Hearing of April that had been cancelled had been tentatively rescheduled for May 31.

Mayor Howes commented that the cancellation of the Joint Public Hearing had been due to faulty notice procedures by the County.

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT THE MINUTES OF APRIL 11, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Annexation - Area 1

Mayor Howes said that he had met with the attorney for the Du Bose family to discuss the objections to the annexation and to seek a mutually satisfactory resolution. He said the Town had received a letter from the Du Bose's attorney in response to the Town's proposal indicating that the proposal was not acceptable. Mayor Howes said he felt the Town should proceed with the annexation.

Manager Taylor asked that two supplemental information memoranda be added to the service plans for Annexation Area 1 due to the further subdivision of property within Annexation Area 1. He said that last Friday the developer of The Oaks III recorded a final plat subdividing 27.75 acres that had previously been considered as one lot into 30 lots. He said the subdividing of the 27.75 acres into 30 lots meant that area no longer met the requirements for annexation and therefore this area would be deleted from the annexation ordinance. Mr. Taylor said that deletion of this area meant the remaining area labeled Annexation Area 1 met the requirements for annexation and were included in the revised ordinance before the Council for adoption. He also said that for further clarification a narrow strip along the current eastern boundary of Chapel Hill off Burning Tree Drive within urban Area 1a has been separated into another subarea - 1d. Mr. Taylor asked the Council to adopt Resolution-0.1 amending the service plans to reflect these changes.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT RESOLUTION 88-4-25/R-0.1.

Council Member Herzenberg said he had no problem annexing Areas 1a, 1c and 1d but that he did not think Area 1b was ready for annexation at this time.



Council Member Preston said that she felt the staff had done enough to try to reach an adequate compromise with the property owners of Area 1c and that she was sorry one could not have been reached. She said, however, that she agreed with Council Member Herzenberg in that Area 1b did not appear to be ready to be annexed and that she would vote against the adoption of the annexation ordinance.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPLEMENTING AND AMENDING THE ANNEXATION REPORT AND SERVICE PLAN FOR 1988 ANNEXATION AREA 1 (EAST OF THE PRESENT TOWN LIMITS) (88-4-25/R-0.1)

WHEREAS, in accord with North Carolina laws on annexation:

1. On December 8, 1986 the Town Council adopted a resolution identifying areas including the proposed 1988 Annexation Area 1 as being under consideration for possible future annexation;
2. On January 13, 1988 the Town Council adopted a resolution of intent to consider annexing the area;
3. On February 8, 1988 the Town Council adopted an annexation report with service plans for said annexation area;
4. The Town of Chapel Hill has mailed and published notices of a public hearing on the question of annexation;
5. The Town Council held the public hearing on March 14, 1988;
6. The Town Council adopted a resolution April 11, 1988 amending the annexation report; and
7. The Town Council has reviewed the Town Manager's report of April 25, 1988 and concurs in the Town Manager's recommendation that additional revisions to the Annexation Report should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that:

1. The Town Council does hereby find as a fact, after reviewing the minutes of the public hearing and the Town Manager's report of April 11, 1988 and April 25, 1988, that the said Annexation Area 1 qualifies for annexation by the Town of Chapel Hill pursuant to State law.

1. The area is contiguous to the Town limits.

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2. Over one-eighth (12.5%) of the aggregate external boundary of the area under consideration coincides with the existing Town limits. Fifty-five percent (55%) of the annexation area boundary is contiguous with the present Town limits.
3. None of the area is within the boundary of an incorporated municipality.
4. The proposed new municipal boundaries resulting from this annexation generally follow the Durham City/Chapel Hill future annexation boundary as established by judgment entered in Town of Chapel Hill v. City of Durham, 85CVS03108 (Durham County); and, wherever practical, natural topographic features. The annexation boundary takes into account drainage considerations.
5. Land developments in the area are primarily residential.
6. The annexation area is composed of four areas, each of which meets either the statutory requirements for urbanization in G.S. 160A-48(c) or an alternative statutory requirement in G.S.160A-48(d)(2) of contiguity with the Town and urban area(s), all more fully described below.

a. Area 1a

Orange County and Durham County Tax Maps (52, 135, 136, 137, 479A, and 479B) indicate that there are 104 total lots in Area 1a. An actual field survey indicated that 64 of these lots are used for residential, commercial, institutional or governmental purposes (or 61.5%). Orange and Durham County Tax maps indicated that the residential and undeveloped acreage totals 89.55; of this, 81.76 acres (or 91%) consist of lots five acres or less in size. Therefore, Area 1a qualifies for annexation under G.S. 160A-48(c)(3). Display Map 1 presented to the Town Council April 25, 1988 and work map 1a (including Tax Maps) dated April 25, 1988 on file in the Town Planning Department are the sources of these calculations. These maps are incorporated by reference as part of the Annexation Ordinance.

b. Area 1b

According to the Durham County Tax Map 491, Area 1b consists of 66 acres in the Sherwood Forest area. According to the Tax Map, there are 52 lots. Forty of these lots were identified in an actual field survey as being developed for residential, commercial, institutional or governmental purposes

(or 77%). The residential and undeveloped area totals 53.7 acres; of this, 39.24 acres (or 73%) consist of lots five acres or less in size. Therefore, Area 1b qualifies for annexation under G.S. 160A-48(c)(3).

Also, multiplying the State Data Center's estimate (from the 1980 Census), Durham County's Triangle Township average population per housing unit (2.84) times the identified dwelling units (39) for a total of 111 people yields an estimated population density of 1.67 persons/acre. Forty-six acres (or 76% of the total acreage) are divided into lots five acres or less in size; 38 lots (or 73% of the total lots) are 1 acre or less in size. Therefore, Area 1b also qualifies for annexation under 160A-48(c)(2).

Display Map 1, presented to the Town Council on April 25, 1988 and work map 1b (including Tax Maps) dated April 25, 1988 in the Town Planning Department are the sources of calculation for Area 1b. These annexation maps are incorporated by reference as part of the Annexation Ordinance.

c. Area 1c

According to Orange County and Durham County Tax Maps and Plat Maps of the area (Durham County Tax Maps 479A; 479B; 490; Oaks II, Phase II Final Plat September 10, 1985; "Survey of David St. Pierre Dubose, Jr." February 12, 1986; U. S. Army Corps of Engineers Project Map, B. Everett Jordan Dam and Lake, Segment "19", December 12, 1972, as amended), the total perimeter of Area 1c is 37,873 linear feet; of this, 26,666 linear feet (or 70%) are contiguous with Area 1a, Area 1b and Area 1d, and Chapel Hill's current Corporate Limits. Therefore Area 1c qualifies for annexation under 160A-48(d)(2). Display Map 1, presented to the Town Council on April 25, 1988 and work map 1c (including Tax and Plat Maps) dated April 25, 1988 in the Town Planning Department are the sources of calculation for Area 1c. These maps are incorporated by reference as a part of the Annexation Ordinance.

d. Area 1d

Orange County Tax Map 52 indicates there is one tract in the area. This lot is being used for commercial, institutional, or governmental purposes (or 100%). There is no residential or undeveloped area. Since the total acreage, excluding the

commercial, institutional, or governmental acreage, is equal to zero, the second test under G.S. 160A-48(c)(3) does not apply. Therefore, Area 1d qualifies for annexation as an urban area under G.S. 160A-48(c)(3), the same standard as Area 1a. Display Map 1, presented to the Town Council on April 25, 1988 and work map 1d (including Tax Map) dated April 25, 1988, are the sources of these calculations. These maps are incorporated by reference as part of the Annexation Ordinance.

2. The Town Council hereby amends, as amended on April 11, 1988, the Annexation Report of February 8 for Annexation Area 1 by incorporating therein by reference the Town Manager's report of April 25, 1988 on this matter.

This the 25th day of April, 1988.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT ORDINANCE 8-4-25/O-1 REVISED.

Council Member Godschalk said he felt the Town's proposal with regard to Area 1c was fair and creative in that it essentially allowed for voluntary annexation of the property with possibly no cost in increased taxes to the property owner by an agreement that the Town lease the property to be used as an entranceway. He said he did not think enough time had been allowed for consideration of the proposal and that the Town should not be giving up on negotiations at this point. He said he supported annexing Area 1a but not all the other areas.

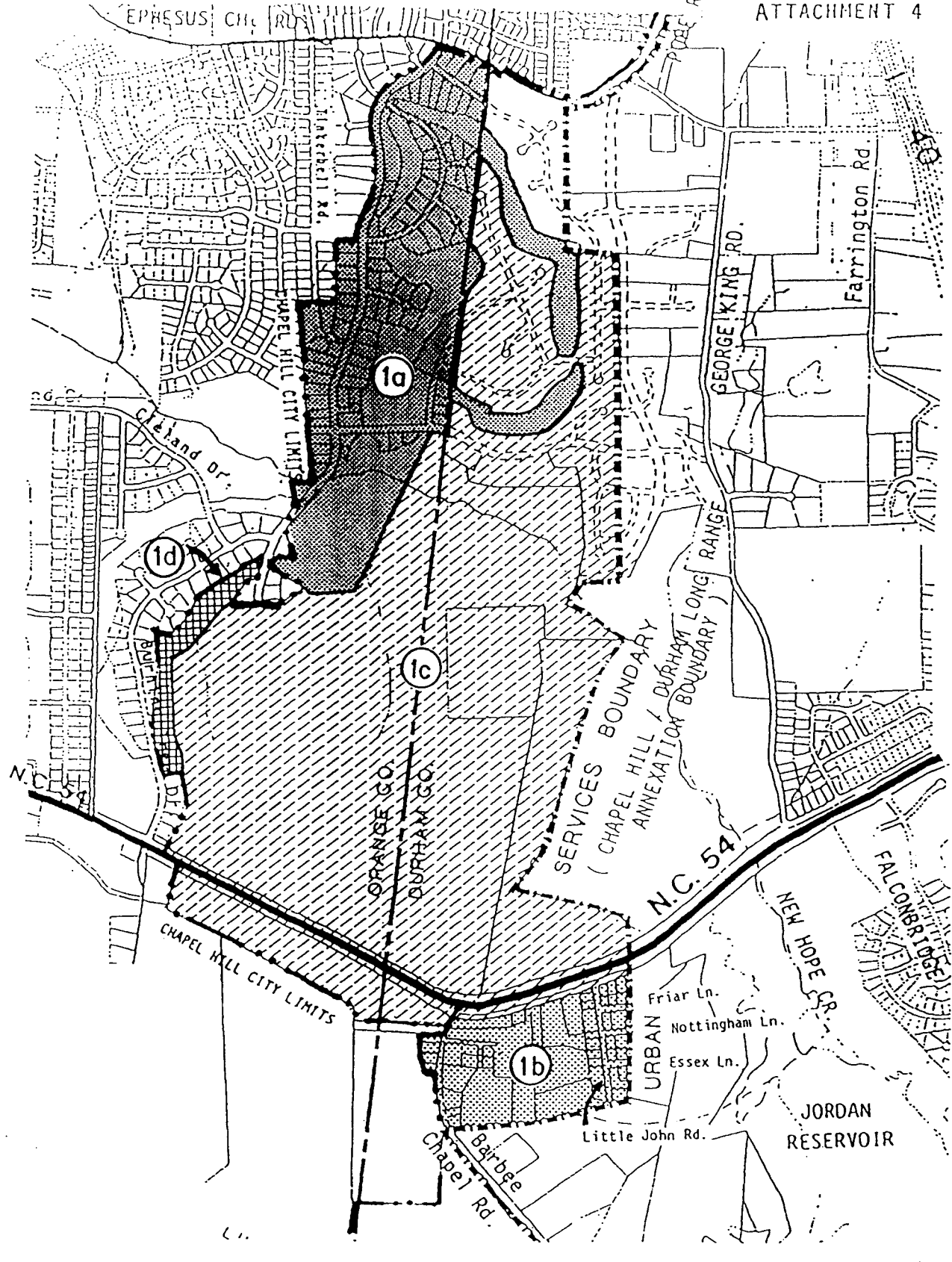
Council Member Pasquini asked if the Town had annexed Area 1 two weeks ago when the proposal had originally been before the Council would that portion of The Oaks III that had been deleted been within the annexation area and would the annexation have been valid? Manager Taylor replied yes, that the statutes indicated that if the area met the qualifications for annexation on the date that the ordinance was adopted then it was a valid annexation.

THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS GODSCHALK AND PRESTON VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (88-4-25/O-1) REVISED

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and



PROPOSED ANNEXATION AREA 1



April 25, 1988

Proposed Annexation Area 1:  
 Areas 1a, 1b, 1c, 1d  
 (Areas constituting total  
 annexation area)



WHEREAS, the Council of the Town of Chapel Hill has taken into full consideration the statements made at the public hearing on the 14th of March, 1988;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, as follows:

SECTION I

From and after 12:01 a.m. of the 30th of June, 1988, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 30th of June, 1988 be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING at a point on the existing Town Corporate Limits, said point being on the northern right-of-way of Ephesus Church Road at the Orange-Durham County line; thence S 8-04-17 W, crossing Ephesus Church Road and along the Orange-Durham County line approximately 703 feet to a point on the northern property line of the Chapel Hill Country Club property as shown on "Survey of David St. Pierre DuBose, Jr." dated February 12, 1986 and recorded in Durham County Registry Plat Book 110, Page 158; thence along the northern property line of said Country Club property the following bearings and distances: S 45-56-28 E 319.78 feet, S 26-56-28 E 129.99 feet, S 3-03-32 W 129.99 feet, S 18-56-28 E 549.96 feet, S 29-56-28 E 249.98 feet, S 61-56-28 E 109.99 feet, S 67-56-28 E 219.98 feet, S 78-56-28 E to a point on the western property line of a 29-acre tract as shown on Durham County Plat Book 37, Page 45; thence S 5-00 W approximately 150 feet to a monument; thence along the southern property line of said 29-acre tract S 84-05 E 543 feet to an iron pin, as shown on said Plat Book 110-158, the northwest corner of the Specia Moore, Sr. lot; thence along DuBose's eastern property line S 00-46-54 E 313.74 feet, S 00-34-56 E 520.39 feet, and S 00-38-45 E 345.34 feet to an iron pin, the southwest corner of the Elvie King lot; thence along the western property line of a 16.68-acre tract as shown on Durham County Plat Book 28-02 S 02-53 W 990.8 feet to the southwest corner of said 16.68-acre tract; thence continuing along the western property line of a 29.61-acre tract, Deed Book 127, Page 174, in a southerly direction approximately 1750 feet to a point on the B. Everett Jordan Dam and Lake Project, as shown on the U.S. Army Corps of Engineers' Project Map, Segment "19", said point being located between stations 760 and 761; thence along the B. Everett Jordan Project western property line S 83-36-04.9 W approximately 550 feet to a monument, station 760; thence S 30-01-55 W 541.81 feet to a monument, station 733; thence continuing from station 733 to station 725 the following bearings and distances: S 48-59-30.7 E 688.205, S 42-04-46.9 W 571.726, S

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14-03-02.1 W 754.229, S 20-41-18.4 W 719.949, S 43-14-14.7 W 638.742, S 70-55-24.2 E 1124.828, S 47-23-20.1 E 385.243, S 87-51-49.7 E 464.031; thence continuing with said property line in a southwesterly direction to the northern right-of-way of N.C. 54; thence along the northern right-of-way line of N.C. 54 in a westerly direction to a point on said right-of-way, said point being a projection of the eastern property line of Sherwood Forest Subdivision as shown on Durham County Plat Book 30, Page 49; thence across N.C. 54 to a point on the southern right-of-way, the northeast corner of said subdivision; thence along the eastern property line of said subdivision S 02-45 W approximately 579 feet; thence along said line S 06-18 W approximately 788 feet to the southeast corner of said subdivision; thence along the southern property line of said subdivision S 78-43 W approximately 389 feet to the southwest corner of Sherwood Forest Subdivision; thence continuing in a westerly direction along the southern property line of Lots 28, 12, 23 and 24, Block 5, Durham County Tax Map 491 approximately 1650 feet to a point on the eastern right-of-way of Barbee Chapel Road; thence southerly across Barbee Chapel Road to an iron pin on the existing Town Corporate Limit, the intersection of the western right-of-way of Barbee Chapel Road and the eastern property line of Durham County, Triangle Township, Tax Map 491, Block 6, Lot 1; thence along the existing Corporate Limit line as it exists along Finley Golf Course, the Oaks, Briarcliff, Colony Woods, etc., and easterly along Ephesus Church Road to the point or place of BEGINNING.

Said metes and bounds description is based on a compilation of information from Orange and Durham Tax Maps and Plat Maps, incorporated by reference as a part of this Ordinance.

## SECTION II

The Council of the Town of Chapel Hill does hereby find and declare that the above-described territory meets the requirements of G.S. 160A-48, in that:

1. The area is contiguous to the Town limits.
2. Over one-eighth (12.5%) of the aggregate external boundary of the area under consideration coincides with the existing Town limits. Fifty-five percent (55%) of the annexation area boundary is contiguous with the present Town limits.
3. None of the area is within the boundary of an incorporated municipality.
4. The proposed new municipal boundaries resulting from this annexation generally follow the Durham City/Chapel Hill future annexation boundary as established by judgment entered in Town of Chapel Hill v. City of Durham, 85CVS03108 (Durham County); and, wherever



practical, natural topographic features. The annexation boundary takes into account drainage considerations.

5. Land developments in the area are primarily residential.
6. The annexation area is composed of four areas, each of which meets either the statutory requirements for urbanization in G.S. 160A-48(c) or an alternative statutory requirement in G.S.160A-48(d)(2) of contiguity with the Town and an urban area(s), all more fully described below.

a. Area 1a

Orange County and Durham County Tax Maps (52, 135, 136, 137, 479A, and 479B) indicate that there are 104 total lots in Area 1a. An actual field survey indicated that 64 of these lots are used for residential, commercial, institutional or governmental purposes (or 61.5%). Orange and Durham County Tax maps indicated that the residential and undeveloped acreage totals 89.55; of this, 81.76 acres (or 91%) consist of lots five acres or less in size. Therefore, Area 1a qualifies for annexation under G.S. 160A-48(c)(3). Display Map 1 presented to the Town Council April 25, 1988 and work map 1a (including Tax Maps) dated April 25, 1988 on file in the Town Planning Department are the sources of these calculations. These maps are incorporated by reference as part of this Ordinance.

b. Area 1b

According to the Durham County Tax Map 491, Area 1b consists of 66 acres in the Sherwood Forest Area. According to the Tax Map, there are 52 lots. Forty of these lots were identified in an actual field survey as being developed for residential, commercial, institutional or governmental purposes (or 77%). The residential and undeveloped area totals 53.7 acres; of this, 39.24 acres (or 73%) consist of lots five acres or less in size. Therefore, Area 1b qualifies for annexation under G.S. 160A-48(c)(3).

Also, multiplying the State Data Center's estimate (from the 1980 Census), Durham County's Triangle Township average population per housing unit (2.84) times the identified dwelling units (39) for a total of 111 people yields an estimated population density of 1.67 persons/acre. Forty-six acres (or 76% of the total acreage) are divided into lots five acres or less in size; 38 lots (or

73% of the total lots) are 1 acre or less in size. Therefore, Area 1b also qualifies for annexation under 160A-48(c)(2).

Display Map 1, presented to the Town Council on April 25, 1988 and 1b (including Tax Maps) dated April 25, 1988 in the Town Planning Department are the sources of calculation for Area 1b. These maps are incorporated by reference as part of this Ordinance.

c. Area 1c

According to Orange County and Durham County Tax Maps and Plat Maps of the area (Durham County Tax Maps 479A; 479B; 490; Oaks II, Phase II Final Plat September 10, 1985; "Survey of David St. Pierre Dubose, Jr." February 12, 1986; U. S. Army Corps of Engineers Project Map, B. Everett Jordan Dam and Lake, Segment "19", December 12, 1972, as amended), the total perimeter of Area 1c is 37,873 linear feet; of this, 26,666 linear feet (or 70%) are contiguous with Area 1a, Area 1b and Area 1d, and Chapel Hill's current Corporate Limits. Therefore Area 1c qualifies for annexation under 160A-48(d)(2). Display Map 1, presented to the Town Council on April 25, 1988 and work map 1c (including Tax and Plat Maps) dated April 25, 1988 in the Town Planning Department are the sources of calculation for Area 1c. These maps are incorporated by reference as a part of this Ordinance.

d. Area 1d

Orange County Tax Map 52 indicates there is one tract in the area. This lot is being used for commercial, institutional, or governmental purposes (or 100%). There is no residential or undeveloped area. Since the total acreage, excluding the commercial, institutional, or governmental acreage, is equal to zero, the second test under G.S. 160A-48(c)(3) does not apply. Therefore, Area 1d qualifies for annexation as an urban area under G.S. 160A-48(c)(3), the same standard as Area 1a. Display Map 1, presented to the Town Council on April 25, 1988 and work map 1d (including Tax Map) dated April 25, 1988, are the sources of these calculations. These maps are incorporated by reference as part of the Annexation Ordinance.

SECTION III

It is the purpose and the intent of the Town of Chapel Hill to provide services to the area being annexed, as set forth in the

report of plans for services approved by the Council of the Town of Chapel Hill on the 8th of February, 1988, as amended on April 11, 1988 and April 25, 1988 and filed in the office of the Clerk for public inspection.

Such service will include:

1. Refuse collection in accordance with Town policies, as described in said report.
2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N. C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street services as described in the report.
3. Police protection including periodic patrols, crime prevention, investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.
5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.

#### SECTION IV

The Council and the Town of Chapel Hill does hereby find and declare that public water trunk lines are and therefore will be, on the effective date of annexation prescribed in Section I hereof, extended into the annexation area. Within two years of the said effective date, public sewer outfall lines will be extended into the area as set forth in the report for planned services. On February 24, 1988 the OWASA Board of Directors adopted a resolution (attached) stating it would make its best effort to complete sewer improvements as stated in an OWASA report dated January 8, 1988 (and incorporated into the Town's annexation report) if the Town appropriates additional funds for the improvements in the subject annexation area east of the Town limits. The Town Council will appropriate \$147,000 accordingly and as stated in the annexation report. Therefore, sufficient funds will be appropriated by June 30, 1988. No requests or petitions for extensions were filed not less than 30 days before adoption of this ordinance, so that no additional extensions are necessary under G.S. 160A-47. Property owners may have public water and sewer lines extended within the annexation area in accord with the extension and financing policies of the Orange

Water and Sewer Authority which apply in all of the Town of Chapel Hill.

SECTION V

From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

SECTION VI

The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.

SECTION VI

The Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance to be recorded in the office of the Register of Deeds of Orange County and Durham County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange County Board of Elections and Durham County Board of Elections as required by G.S. 163-288.1.

This the 25th day of April, 1988.

Transfer of Streets

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 88-4-25/R-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING DELETION FROM STATE-MAINTAINED SYSTEM OF CERTAIN ROADS AND STREETS LYING WITHIN THE AREA ANNEXED BY THE TOWN OF CHAPEL HILL, NORTH CAROLINA AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS (88-4-25/R-1)

WHEREAS, the Department of Transportation, Division of Highways has maintained certain roads and streets lying within the area to be annexed by the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will, upon the effective date of annexation, assume responsibility for the roads and streets lying within the annexed area, with the exception of those roads and streets designated as System Roads or Streets; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways have reviewed the matter and designated the roads and streets to be deleted from the System, the total mileage being .376 miles Rural System as shown on the list below, being a part of this Resolution;

<u>Name</u>	<u>Length in Miles</u>
Little John Road, from State access #2281 to dead end	.246
Friar Lane, from Little John Road to dead end	.048
Nottingham Lane, from Little John Road to dead end	.046
Essex Lane, from Little John Road to dead end	.036

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town hereby agrees to provide all necessary maintenance on the .376 miles of roads in question, as set forth in this resolution; and the Department of Transportation, Division of Highways, effective on the effective date of the Town's annexation of the area including the above streets, will discontinue all maintenance on said roads and streets as of this date.

This the 25th day of April, 1988.

Annexation - Area 2

Manager Taylor recommended adoption of Ordinance-2 annexing Area 2.

Vern Chi, speaking on behalf of his parents who were property owners in Area 2, said that many of the property owners in this area had gotten along fine without Town services and wished to continue to do so. He said he felt many of the property owners would have to sell their property to developers because they would not be able to pay the increased property taxes. He pointed out that if the Brookstone Apartments were removed from the annexation area then none of the remaining property would meet the density requirements for annexation. He said he did not understand why the Town wanted to annex this area. He urged the Council to deny the annexation.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT ORDINANCE 88-4-25/O-2.

Council Member Godschalk asked the staff to respond to Mr. Chi's question as to why the Town should annex this area especially

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since it was within the joint planning area and the Town's regulations would apply.

Roger Waldon, Planning Director, replied that the Joint Planning Agreement would influence the development of this area but that it still was not the same as if it were annexed and the Town had direct control over the area. He said the area was a key entranceway into the Town and the best way to ensure that the Town's requirements and stipulations were met would be if it were within the Town limits.

Manager Taylor said that it was the Town's policy to annex in an orderly fashion those areas that had been indicated as being in the urban services area of Chapel Hill.

Mayor Howes agreed that it was the policy of the Town to annex areas designated as being within the urban services area. He said that in cases where there were largely undeveloped tracts of property as in Area 1 and Area 2 it may argue for the creation of another zoning category to reduce the tax burden of the property owner until such time at the property were to be developed. He said this was something the Town needed to look at as quickly as possible.

Council Member Wallace said the Town was not out just grabbing land but was following orderly urban planning processes for extending Town services within its designated urban services area. He said he would feel better about the development of these area if they were under the direct control of the Town and not just in the joint planning area.

Council Member Wilkerson stated that there were certain types of relief available from Orange County for individuals over 65 years of age in relation to the taxing of their property.

THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS GODSCHALK AND HERZENBERG VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (88-4-25/O-2)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council of the Town of Chapel Hill has taken into full consideration the statements made at the public hearing on the 14th of March, 1988;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, as follows:

SECTION I

From and after 12:01 a.m. of the 30th of June, 1988, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 30th of June, 1988 be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING at a point on the existing Chapel Hill Town Corporate Limits, said point being located on the southern right-of-way of S.R. 1777 (Homestead Road) 217.72 feet in a northwesterly direction from the southwest right-of-way intersection of S.R. 1777 and N.C. 86; running thence with the existing corporate limits in a southerly direction approximately 257 feet to the southwest corner of Chapel Hill Township Tax Map 21 Lot 41B; thence easterly with the southern property line of said lot approximately 201 feet to a point one foot west of the western right-of-way of N.C. 86; thence southerly parallel to said right-of-way approximately 368 feet to the northeast corner of Tax Map 24 Lot 40; thence westerly with the north property line of said lot approximately 300 feet to the northwest corner of lot 40; thence southerly along the western property line of Lot 40 approximately 300 feet to the southwest corner of said lot; thence southerly parallel to the western right-of-way of N.C. 86 approximately 372 feet to a point on the northern property line of lot 37; thence westerly along said property line approximately 290 feet to the northwest corner of said lot; thence southerly along the western property line 365 feet to the southwest corner of said lot 37; thence westerly along the southern property line of Tax Map 24 Lot 38A approximately 760 feet to the southwest corner of said lot; thence along a new corporate limits line northerly along the western property line of lot 38A approximately 775 feet to the northwest corner; thence westerly along the southern property line of lot 41G approximately 65 feet to the southwest corner; thence northerly along the western property line of said lot approximately 340 feet to the southeast corner of lot 42; thence westerly along the southern property line approximately 1140 feet to the southwest corner; thence northerly along the western property line of said lot approximately 1310 feet to a point on the southern right-of-way of S.R. 1777 (Homestead Road); thence northerly across said right-of-way approximately 60 ft. to the southwest corner of Tax Map 24 Lot 13; thence northerly along the western property line approximately 290 ft. to the northwest corner; thence easterly along the northern property line approximately 180 feet to the northeast corner of said lot; thence northeasterly along the northwestern property lines of Lots 13, 15, and 15B approximately 1010 feet to the northern corner of lot 15B; thence northwesterly along the western property line of lot 19 approximately 470 feet and northerly approximately 265 feet to the northwest corner of said lot; thence northerly along the various bends of the western property lines of lots 22 and 23 approximately 1370 feet to a point on the existing corporate limits, said point being located on the southern property line of

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Tax Map 18 Lot 13; thence with the existing corporate limits along said property line South 84-04-50 East approximately 2170 feet to the southeast corner of said lot; thence North 31-49-17 East 141.88 ft; North 02-02-43 West 140.09 feet; North 37-18-14 West 132.0 feet; North 07-45-55 East 111.02 feet; North 00-00-00 West 185.00 feet; North 11-18-36 West 101.98 feet; North 32-00-18 West 94.34 feet; North 36-52-12 West 100.00 feet; North 66-39-57 West 277.71 feet; North 75-22-45 West 181.38 feet; and North 05-54-30 East 129.46 feet to the southwest corner of the Town of Chapel Hill land (Fire Station North); thence along the southern property line of said tract South 84-05-30 East 510.07 feet; North 05-54-30 East 21.40 feet; and South 84-05-30 East 400 feet to the western right-of-way of N.C. 86; thence southerly along said right-of-way approximately 735 feet to a point; thence across N.C. 86 along the existing Corporate Limits approximately 60 feet to the intersection of the eastern right-of-way of N.C. 86 and the northern right-of-way of Westminster Drive (also known as Cardinal Street); thence across Westminster Drive right-of-way South 01-17 East 60 feet to a point on the eastern right-of-way of N.C. 86; thence North 79-43-00 East 405.62 feet to a stake; South 17-02-39 West 125.36 feet to a stake; South 35-08-40 West 199.83 feet to a stake thence South 89-09-11 East approximately 400 feet to the northwest property corner of Tax Map 24 Lot 25C (25B at the time it was annexed); thence southerly along the western property line of said lot approximately 650 feet; thence easterly along the southern property line approximately 500 feet to the northwest corner of the dedicated Open Space for Timberlyne Subdivision; thence South 13-28-12 West 884.32 feet to a point in the northern property line of Stateside Subdivision; thence westerly along the northern line of said subdivision approximately 1000 feet to the eastern right-of-way of N.C. 86; thence across said right-of-way along the extension of said subdivision line approximately 61 feet to a point one foot west of the western right-of-way of N.C. 86; thence southerly parallel to said right-of-way approximately 1450 feet to a point on the northern property line of Duke Power Company; thence North 85-31 West along said line approximately 1469 feet to the northwest corner of said property; thence South 11-39 East 345.92 feet along the western property line to a point on the northern right-of-way of S.R. 1777 (Homestead Road); thence easterly along said right-of-way along a curve to the right 382.88 feet to an iron; thence along said right-of-way South 58-51 East 761.43 feet to a point on the extension of the western property line of Tax Map 24 Lot 41B; thence across S.R. 1777 along said extension approximately 70 feet to the point or place of BEGINNING.

Said metes and bounds description is based on a compilation of information from Orange County Tax Maps incorporated by reference as a part of this Ordinance.

#### SECTION II

The Council of the Town of Chapel Hill does hereby find and declare that the above-described territory meets the requirements of G.S. 160A-48, in that:



1. The area is contiguous to the Town limits.
2. Over one-eighth (12.5%) of the aggregate external boundary of the area under consideration coincides with the existing Town limits. Sixty percent (60%) of the annexation area boundary is contiguous with the present Town limits.
3. None of the area is within the boundary of an incorporated municipality.
4. According to the Orange County Tax Maps 7.18 and 7.24, the area covers about 292 acres. An actual survey indicated that there are 269 dwelling units. Multiplying the 1980 Census estimate for Chapel Hill Township's average population per housing unit (2.33) times the identified dwelling units yields an estimated population of 627. This divided by the total acreage yields a population density of 2.1 persons per acre. This area therefore qualifies for annexation under the terms of G.S. 160A-48(c)(1). Display Map 2 (including Tax Maps) dated April 11, 1988 in the Town Planning Department and presented to the Town Council on April 11, 1988 is the source of calculation for Area 2.
5. The proposed new municipal boundaries take into account natural topographic features, specifically, the drainage basin of upper Booker Creek.
6. Land developments in the area are primarily residential.

Display Map 2 is incorporated by reference as a part of this Ordinance.

### SECTION III

It is the purpose and the intent of the Town of Chapel Hill to provide services to the area being annexed, as set forth in the report of plans for services approved by the Council of the Town of Chapel Hill on the 8th of February, 1988, as amended April 11, 1988 and filed in the office of the Clerk for public inspection.

Such service will include:

1. Refuse collection in accordance with Town policies, as described in said report.
2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N. C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street services as described in the report.

3. Police protection including periodic patrols, crime prevention, investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.
5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.

#### SECTION IV

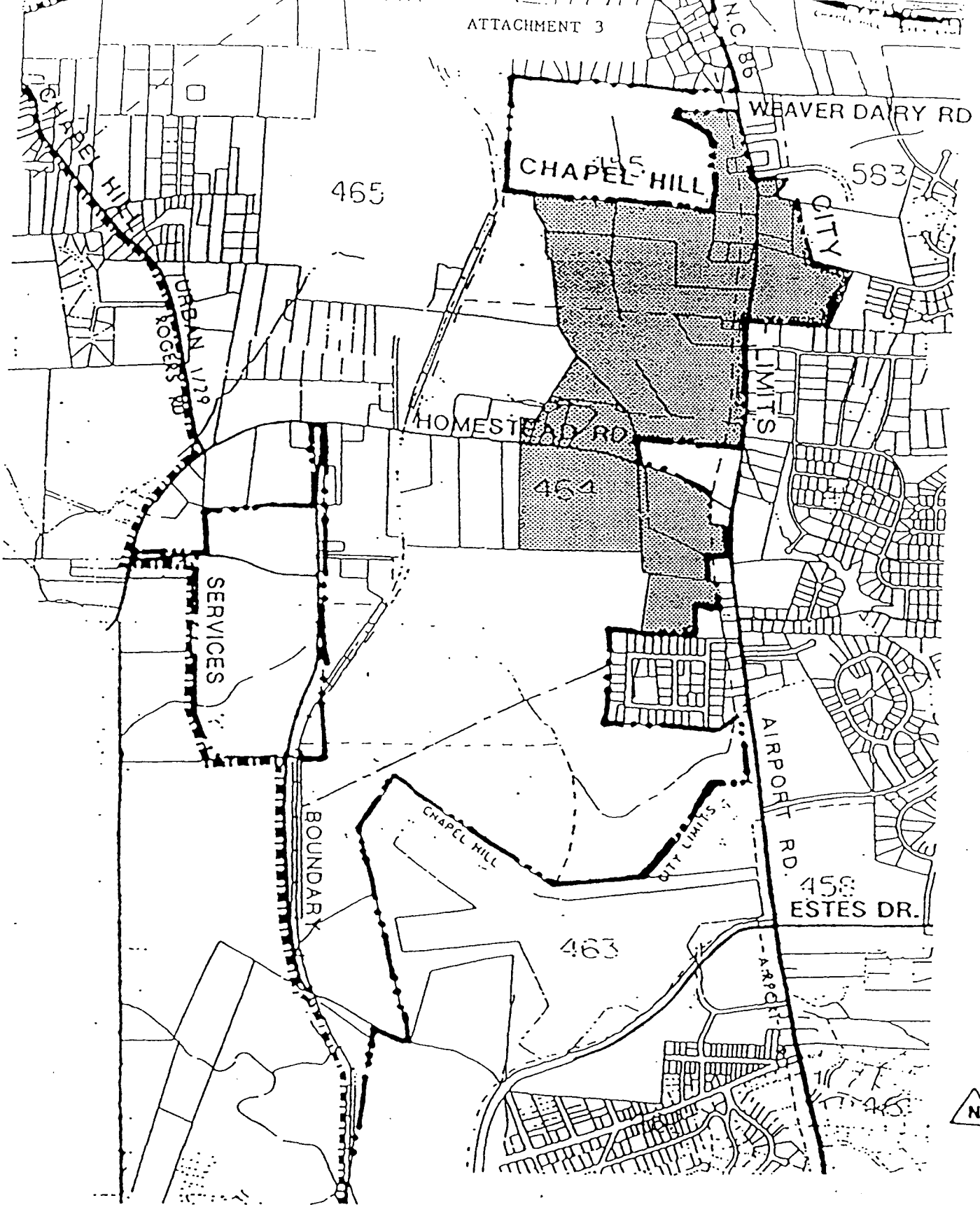
The Council and the Town of Chapel Hill does hereby find and declare that public water trunk lines, are and therefore will be on the effective date of annexation prescribed in Section I hereof, extended into the annexation area. Within two years of the said effective date, public sewer outfall lines will be extended into the area as set forth in the report for planned services. On February 24, 1988 the OWASA Board of Directors adopted a resolution (attached) stating it would make its best effort to complete sewer improvements as stated in an OWASA report dated January 8, 1988 (and incorporated into the Town's annexation report). The Council has allocated funds for sewer extensions including the North Forest Hills outfall to the subject Annexation Area 2 to OWASA by resolution 86-3-24/R-1d adopted March 24, 1986 regarding transfer of funds under N.C. Senate Bill 2 to the Orange Water and Sewer Authority; the OWASA Board of Directors on March 27, 1986 accepted such funding allocation for the purposes designated by the Town. Therefore the funds for the outfall will be appropriated by June 30, 1988. No requests or petitions for extensions were filed, so that no additional extensions are necessary under G.S. 160A-47. Property owners may have public water and sewer lines extended within the annexation area in accord with the extension and financing policies of the Orange Water and Sewer Authority which apply in all of the Town of Chapel Hill.

#### SECTION V

From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

#### SECTION VI

The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.



Proposed Annexation Area

Existing Corporate Limits

Urban Services Boundary

PROPOSED ANNEXATION AREA 2

with Existing Corporate Limits



SECTION VI

The Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance to be recorded in the office of the Register of Deeds of Orange County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

This the 11th day of April, 1988.

Calling Public Hearing on Zoning Newly Annexed Areas

Manager Taylor said the proposed resolution would call a public hearing for June 20 to consider zoning portions of newly annexed areas currently outside of the Town's zoning jurisdiction.

Council Member Godschalk said there were obvious problems with the Town's zoning classifications in that the proposal called for zoning the Du Bose pasture as Residential-1 when it would be used primarily as a pasture. He asked the staff to look at the possibility of an overlay zone in areas of undeveloped land that were not in the process of being developed.

Manager Taylor said that the resolution calling for the public hearing was broad enough so that the Council could zone the property any zone which currently existed in the Town's zoning ordinance. He said the closest zoning designation to what Council Member Godschalk suggested was the Rural Transition zone. He said Chapel Hill did not currently have any overlay zones other than the Resource Conservation District. Mr. Taylor stated that the Town was required to zone the property within 60 days of annexation. He suggested that the Council zone the property and then proceed with discussions of potential overlay zones.

Council Member Wallace said he agreed with Council Member Godschalk in that Residential-1 was not suitable to large undeveloped tracts like the Du Bose property. He asked if the public hearing could also consider the zoning designation of that part of the Du Bose property already within the Town's zoning jurisdiction.

Manager Taylor said the resolution could be amended to include considering the zoning of the newly annexed property and the rezoning of the annexed property currently under Chapel Hill's zoning ordinances.

Council Member Wallace said this would have an effect on the tax rate for the areas and that this information should be given to Orange County.

Council Member Pasquini stated that he felt there should be two separate public hearings, one to zone the property recently annexed and another to consider a proposal for undeveloped land in Chapel Hill, not just within these recently annexed areas.

Manager Taylor responded that he did not think the staff would be able to identify all of the undeveloped areas within Chapel Hill in time to meet the deadline for publication of the public hearing for June 20. He said it would be better in his opinion to have the public hearing on zoning the newly annexed areas and have the staff begin to look at the possibility of another zoning designation or overlay zone for areas of undeveloped land.

Council Member Werner agreed with the Manager's suggestion saying that the Council could zone the property and begin to consider alternatives for large undeveloped areas.

Council Member Godschalk asked if it were not possible to create an overlay zone within 60 days. Manager Taylor replied that it would be possible but that he did not think that both an overlay zone could be created and the newly annexed property could be zoned within the same 60 days.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 88-4-25/R-2 AND THAT THE STAFF BEGIN STUDYING ALTERNATIVES FOR ZONING OF LARGE UNDEVELOPED PROPERTY. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING (88-4-25/R-2)

WHEREAS the Chapel Hill Town Council adopted on January 13, 1988 a resolution of intent to annex certain areas, as indicated on the attached maps labeled "Proposed Annexation Area 1" and "Proposed Annexation Area 2";

WHEREAS, the Chapel Hill Town Council adopted annexation ordinances on April 11, 1988 annexing these areas effective June 30, 1988; and

WHEREAS, portions of the areas on the attached maps currently lie outside of Chapel Hill's Zoning Jurisdiction; and

WHEREAS, once these areas are annexed, they will need to be zoned within 60 days of the effective date of annexation;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing shall be held at 7:30 p.m. on Monday, June 20, 1988, at the Chapel Hill Municipal Building Meeting Room, for the purpose of hearing citizens' comments on proposals for zoning the portions of Annexation Areas 1 and 2 that are not currently within Chapel Hill's zoning jurisdiction.

BE IT FURTHER RESOLVED that the Council directs the Manager to prepare proposed zoning atlas additions for the above-described areas and to submit said proposal to the Planning Board for consideration in accord with Article 20 of the Development Ordinance.

This the 25th day of April, 1988.

Library and Park Site Acquisition

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-4-25/R-3.

Council Member Herzenberg said he was pleased with the proposed location of the new library. He said he had served on the Library Committee and had been one of the proponents for a downtown site. He said when it became obvious that a downtown site would not be available then the proposed location of 30 acres near the intersection of Franklin Street and Estes Drive was the best choice.

Mayor Howes stated that since the official announcement last Thursday the community's response had been positive. He said the Library Committee was currently looking at the selection of an architect.

Council Member Preston said that she had received comments concerning the possible access to the site and that she trusted the Committee would look at this problem. She said she wished there were a way to acquire property that would allow for access from Franklin Street.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE PURCHASE OF A THIRTY-ACRE PARCEL FOR USE AS A PUBLIC LIBRARY SITE AND NEIGHBORHOOD PARK (88-4-25/R-3)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby gives final authorization for the purchase of Lot 18, Block B, Tax Map 38, Orange County, from William G. Pritchard Jr., Beverly J. Pritchard, Thomas Anthony Pritchard, Elizabeth G. Pritchard and Beverly H. Pritchard for public purposes as a Public Library site and Neighborhood Park for the negotiated sum of \$1,050,000, said sum having been negotiated with the property owners in lieu of acquisition of said property by condemnation; and

BE IT FURTHER RESOLVED that the Council hereby ratifies, affirms, and approves the contract for said property, as the contract of the Town for the purchase of said property, said contract having been signed by the Mayor on behalf of the Town pursuant to instructions given in executive session on April 11, 1988; and

BE IT FURTHER RESOLVED that the Council directs the Manager and Attorney to deliver the agreed purchase price and execute all necessary documents to complete said transaction.

This the 25th day of April, 1988.

Transportation Improvement Program

Manager Taylor said this was the Town's list of thoroughfare and bicycle projects to be included in the State Transportation Improvement Program. He said the first resolution dealt with the submission of the annual transit element to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee for inclusion in the TIP.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 88-4-25/R-4.1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF THE TOWN OF CHAPEL HILL'S ANNUAL TRANSIT ELEMENT TO THE DURHAM-CHAPEL HILL-CARRBORO TRANSPORTATION ADVISORY COMMITTEE FOR INCLUSION IN THE TRANSPORTATION IMPROVEMENT PROGRAM (88-4-25/R-4.1)

WHEREAS, the Town of Chapel Hill is required to submit an annual transit element to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee; and

WHEREAS, the Town of Chapel Hill's annual element will be included in the regional Transportation Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests that the Transportation Advisory Board include the attached Chapel Hill annual transit element to the Transportation Improvement Program for the Durham-Chapel Hill-Carrboro Urban Area.

BE IT FURTHER RESOLVED, that the Council authorizes the Manager to revise this annual element, if needed, at such time as the Town's fiscal year 1988-89 Budget is approved.

This the 25th day of April, 1988.

Manager Taylor said the second resolution dealt with the annual requests for projects to be improved and that the priority rankings were based on previous requests made by the Town to the State, analysis of the local transportation needs and the current adopted Thoroughfare Plan.

Council Member Andresen asked what were the implications of including Pittsboro Street extension in the TIP when it was the consensus of the Town and Council that this road should not be built. Manager Taylor replied that Pittsboro Street Extension was included because it was on the adopted Thoroughfare Plan and that he felt to remove it from the TIP at this point, before adoption of a new Thoroughfare Plan could have the potential for a more negative impact than keeping it on the list of road improvements. He stated that NCDOT had required that the road



improvement be included in the current Thoroughfare Plan and that he did not want to do anything at this point, while the emphasis was on improving 15-501 Bypass, to create any conflict with NCDOT.

Council Member Andresen asked when the new Thoroughfare Plan would be reviewed. Manager Taylor said he expected it to be late fall before the proposal would be available for review.

Council Member Werner asked for clarification of the relationship between the Thoroughfare Plan and the TIP. Manager Taylor responded that the roads identified in the Thoroughfare Plan were included in TIP as a means of scheduling for road improvements. He said that when the new Thoroughfare Plan was adopted and if Pittsboro Street Extension were eliminated from that plan then it would be dropped from the TIP.

Council Member Werner asked if the Council would have the chance to reprioritize the list at that time. Manager Taylor replied yes and that the Council adopted the TIP list each year.

Council Member Herzenberg said that if this were true and it appeared that Pittsboro Street Extension would be eliminated from the Thoroughfare Plan then why should the Council include it in this year's TIP. Manager Taylor said that he was not sure how NCDOT would react to removal of Pittsboro Street Extension from the TIP while it was still on the Thoroughfare Plan and that he wanted to maintain as good a relation with NCDOT as possible at this point while the 15-501 Bypass improvements were in process.

Council Member Wallace agreed with the Manager and said he would not like to see the Council do anything to jeopardize the 15-501 project.

Council Member Wilkerson expressed concerned if it appeared that the State was unwilling to listen to the concerns and desires of the community in relation to eliminating Pittsboro Street Extension from the Thoroughfare Plan. He said there were avenues for the citizens of Chapel Hill to take to ensure that this Extension did not occur. He said the Town should begin by eliminating it at this point from the TIP.

Mayor Howes stated that the Thoroughfare Plan was under review and that in all probability Pittsboro Street Extension would be removed from that plan. He said he did not know whether or not it was important to NCDOT if the Town removed Pittsboro Street Extension from the TIP at this point, but that he felt the likelihood of the road being improved in the next year was nil.

Council Member Preston asked if there were any way for NCDOT to fund this project, with its location at the bottom of the list on the TIP. Manager Taylor replied that NCDOT could fund the project but that the probability was small.

Council Member Herzenberg commented that retention of the street improvement on the Thoroughfare Plan and TIP could jeopardize the redevelopment of west Franklin Street and Rosemary Street.

Council Member Preston said if funds were available from the State for Pittsboro Street Extension, what options would be available to the Town. Manager Taylor responded that NCDOT adopted a five to seven year funding plan and that Pittsboro Street Extension was not currently included in that plan. He said if funds became available, then the State would come into the community to gauge the reaction to the proposal and discuss the issue in the same manner that they had done with 15-501 Bypass.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT RESOLUTION 88-4-25/R-4.2.

Milton Van Hoy, speaking as a resident, asked if the Council were required to vote on every project on the list and if all the projects in the Thoroughfare Plan were included in the TIP list. Manager Taylor replied that the Council had the option on whether or not to vote on the projects and that the list included all of the major projects in the Thoroughfare Plan.

Mr. Van Hoy said that he had been previously told that the possibility of the road being built was practically nil but that progress had been made and that engineering drawings had been done. He said he was worried that contracts could be let at any moment and the citizens and the Council would have no voice in the matter. He also indicated that he did not think the Council should be in awe of NCDOT and should be more assertive in what its citizens wanted or did not want in relation to road improvements.

THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER HERZENBERG VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (88-4-25/R-4.2)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's Transportation Program:

A. Federal-Aid Primary Funding

1. Widen U.S. 15-501 from U.S. 15-501 Bypass to the Chatham County line to a median-divided four lane cross-section;
2. Improve U.S. 15-501 intersection with Sage Road and Old Durham/Chapel Hill Road;
3. Widen and improve U.S. 15-501 from Franklin Street to the I-40 interchange.
4. Improve and extend frontage roads along U.S. 15-501 from Franklin Street to the I-40 interchange;

B. Federal-Aid Secondary Funding

1. Widen N.C. 86 from Homestead Road to the I-40 interchange to a 5-lane urban cross-section;
2. Build Sage Road Extension from existing Weaver Dairy Road (S.R. 1733) to Erwin Road (S.R. 1734);
3. Build Laurel Hill Parkway from U.S. 15-501 to N.C. 54 along new alignment;
4. Widen and improve Mt. Carmel Church Road (S.R. 1008) from U.S. 15-501 to the Chatham County line;
5. Widen Old Durham/Chapel Hill Road from Scarlette Drive to the Durham County line.

C. Federal-Aid Urban Funding

1. Widen existing Sage Road, 2-lane segment north of U.S. 15-501;
2. Widen and improve Weaver Dairy Road from Sage Road Extension to N.C. 86;
3. Widen N.C. 86 from Estes Drive to Homestead Road to a 5-lane urban cross-section;
4. Complete the connection of Frances Street from the U.S. 15-501 Bypass via Willow Drive to Ephesus Church Road (S.R. 1742).
5. Complete Pittsboro Street extension from Cameron Avenue to Airport Road;

D. Transportation System Management

1. Purchase and install improved traffic signal system.

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2. Improve the signalization at Raleigh Street/Country Club.
  3. Complete improvements at Dobbins/Erwin intersection.
  4. Improve left turn storage at Franklin/Boundary intersection.
  5. Extend left turn storage along U.S. 15-501 at Europa/Erwin intersection.

E. Bikeways

1. Estes Drive: Widen shoulders from Airport Road to Caswell.
2. South Columbia: Provide bikelane from Manning Drive to Culbreth Road.
3. Weaver Dairy Road: Provide bikelane from Airport Road to Erwin Road.
4. Bikepath (Bolin Creek) from Airport Road to Franklin Street.
5. N.C. 86: Widen shoulders from Homestead Road to I-40.
6. Homestead Road: Widen shoulders from Airport Road to Seawell School Road.
7. Seawell School Road: Widen shoulders from Homestead Road to Estes Drive Extension.

BE IT FURTHER RESOLVED that the Council continues to endorse and support those projects currently programmed in the North Carolina Transportation Improvement Program, and asks that funding be accelerated. Those projects include:

1. Widening the U.S. 15-501/N.C. 54 Bypass;
2. Widening S. Columbia Street from Mt. Carmel Church Road/Culbreth Road to Manning Drive from the existing 2-lane section to a 4-lane curb and gutter section;
3. Widen N.C. 86 from I-40 to Homestead Road;
4. Install bicycle improvements along Estes Drive between Airport Road (N.C. 86) and the Carrboro town limits; and
5. Install train gates on Cameron Avenue.

BE IT FURTHER RESOLVED that the Council supports the widening and improvement of U.S. 15-501 from the Orange-Chatham County line south to Pittsboro.

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities in conjunction with any future State-supported road improvements programmed in the Town; and

This the 25th day of April, 1988.

OWASA and Chatham County Proposed Agreement

Manager Taylor stated that on April 11, the Council, at the request of Council Member Godschalk, referred this matter to the Manager for a report and recommendation. He said he had since reviewed the letter from OWASA, asking for comments from the Council, and the proposed contract for the sale of water to Chatham County. He said that upon review, he felt that the contract between OWASA and Chatham County based on the technical issues involved was probably a good contract in that the water utility received some territory in Chatham County, received a commitment from Chatham County to work with it to plan for facilities at Jordan Lake, and received a financial commitment from Chatham to pay for some water. He said Chatham County received water it could use in developing the northern part of Chatham County.

Manager Taylor said the agreement was for five years and would not begin until Cane Creek Reservoir was on-line. He said cancellation of the agreement could occur with 180 days notice. Manager Taylor stated that the big issues which were not addressed in the proposal were the general planning issues between southern Orange County, Carrboro, Chapel Hill and northern Chatham County. He said to the extent that OWASA had unilaterally moved forward and negotiated a contract that they have presented to the Council in some respects compromised the Council's ability to negotiate for some of the things the Council might have wanted in an open negotiating process. He said that after careful thought of this matter, he felt the best way out of the situation at this time would be to recognize that it was a reasonably good contract between OWASA and Chatham County, but that it did not address the issues of growth management and that the way to address these issues would be to ask for a joint committee formed of elected officials of Chapel Hill, Carrboro, Orange County and Chatham County to discuss how to grow together and plan for and manage growth in this area. Manager Taylor said he saw this as a means of building a strong working relationship with Chatham County. He said he felt that for the Council to request that OWASA reject the agreement would be sending the wrong message to Chatham County. He said of course it would have been better if the process for discussing growth management had begun from a different starting point but instead the process was beginning with an agreement already negotiated by the Utility. He said that much of the Council's frustration on this issue was directed at OWASA and that he was afraid it might be taken out on Chatham County instead of OWASA.

Council Member Preston said she felt the Manager had delineated the scenario very well. She said she had no trouble at all working with Chatham in developing plans for the future and that a joint working group was a good idea. Ms. Preston said the real crux of this matter was the Council's relationship with OWASA. She said she had spoke about this several weeks ago when she had said how frustrating it was to get a handle on the actions OWASA took. She said the Council needed to get a handle on this matter and she questioned how the Council should go about it. She said the Town needed to look at its relationship with OWASA and how it fit into the picture of providing water and sewer to the people of southern Orange County. She said the Council did not know if the people they served would like to have the water from Cane Creek given to the people in Chatham County. She commented that there had been no way for the citizens of southern Orange County to express their ideas on this issue. Ms. Preston said that the real problem was the relationship with OWASA and how people could get their feelings about a vital element of life expressed to the authority that manages that. She said the Council needed to examine this relationship very quickly because it was critical at this point.

Council Member Herzenberg said he agreed with Council Member Preston's comments and with the Manager's point about the Council sending the wrong message to Chatham County. He said he was also very interested in the message the Council sent to the voters of Chapel Hill. He said he felt the proposal could not be more poorly timed. He stated that Cane Creek was not yet on-line and when he was campaigning last fall one of the primary concerns of the citizens was the water supply. He said it was easy to say that that was not the Council's business, but OWASA's and that the Council appointed the majority of OWASA's commissioners. Mr. Herzenberg said it looked bad for OWASA and Chatham County that this proposal came about just after the announcement for the plans for the Governor's Club development in northern Chatham County.

Council Member Andresen stated that from OWASA's point of view she felt they had negotiated a good agreement. She said from a water utilities point of view there were certain things in the agreement which were good and as users of OWASA water we should be glad that they included them in the agreement. Ms. Andresen said some of these points were the protection of the watershed in Chatham County and the cooperation with Chatham County for the use of Jordan Lake. She said one of the problems was that the Council had not had much warning that this proposal was being suggested. Ms. Andresen said that because OWASA was a water utility it did not deal with planning issues, but because the Council had not had any warning there was a tremendous planning issue before it which the Council and the other local governments involved had not had any time to deal with it. She said it was much to Chapel Hill's interest to work with Chatham County.

Council Member Godschalk suggested that the Council recommend to OWASA that they do not act on the agreement at this time. He said he felt it needed more time to be discussed. He said he assumed that there was no emergency here. He said water would not be being denied anyone who did not have water. Mr. Godschalk stated that what in fact was being asked was that southern Orange provide water for new people to come into northern Chatham County who would then become dependent upon that source of supply. He said the end result was that southern Orange County would be facilitating urban development in northern Chatham County. He said the reason northern Chatham County had not developed to a high density until now was because there had not been water available. He said it was Chapel Hill's responsibility to become centrally involved in this matter because it would affect all the citizens of Chapel Hill. He said the numbers of people who would use the town's streets, schools and other general facilities would increase dramatically with the expansion of development in northern Chatham County. Mr. Godschalk said he did not think it was a technical issue of supplying surplus water or drawing the best agreement from OWASA's point of view but rather a community issue of concern to everyone. He said he felt it was important for Chapel Hill to get involved before any action was taken and that it would be a good idea to get the Mayor and Manager to meet with the Chatham County Commissioners to discuss the development and planning implications of this issue and to report back to the Council. He said in the meantime the Council should request that OWASA take no further action at this point until the Council has had time to investigate those things which were its responsibility.

Council Member Pasquini said he agreed with Council Member Godschalk's statements. He said in response to the Manager's concerns about the message being sent to Chatham County, he said that it was not that the Council did not want to cooperate with Chatham County but that at this point he did not feel it was appropriate to allocate the future water supply to future development in Chatham County without further discussions of the implications of the proposal on the entire area. He agreed that the Council should strongly advise OWASA not to move forward with this agreement at this time until some of the growth management issues had been worked out.

Council Member Werner said he felt it was not a water issue but rather a policy issue and planning issue. He said water was one tool of policy and planning. He said there were major implications with the proposal. He said the proposal was an agreement that was negotiated, essentially, behind closed doors upon which not only was there no public participation, there was no Council participation. Mr. Werner said the Council was responsible to the people of Chapel Hill to listen and to make policy and planning decisions. He said these types of decisions should not be made by the water authority. He said he agreed that the agreement should be put on the shelf and the Council should begin talking with Chatham County. Mr. Werner commented that Chatham County needed to recognize that the Council's action that evening had nothing to do with Chatham County but rather a decision between the Council and OWASA.

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Council Member Wallace said one of the advantages from the proposed agreement was for cooperation in improving the 8% or so of the University Lake Watershed which was in Chatham County. He said that this was not Chatham County's responsibility. He stated that if there were polluters in that watershed they should be fined and dealt with. He said the State had an agency to deal with this matter and it had nothing to do with the county government. He also said that wastewater should also be considered when discussing water supply. Mr. Wallace said it was imperative to know in detail complete water management plans for the treatment of the wastewater that would flow into the Jordan Reservoir. He said that Chatham County had applied for water from Jordan Reservoir and so had OWASA. He commented that he felt that once an agreement signed, regardless that it was stated to be for five years, that it would be virtually impossible to cut off the water at the end of five years. He stated that the citizens of southern Orange had worked and paid for years to get Cane Creek Reservoir and before even the lake was created the water utility was offering the water away. He said the area would not have the water supply for long if OWASA offered it away to others who have done nothing to establish their own water supply. Council Member Wallace said it was inconceivable to him that an agreement which had such policy importance could have taken place without the benefit of Chapel Hill's knowledge. He said if it were an emergency then he would have no problem with granting water to the area, but that this was not an emergency situation.

Manager Taylor said that he was not in disagreement with the principles expressed by the Council or in disagreement with what the Council wanted accomplished. He agreed that negotiations with Chatham County needed to begin as soon as possible.

Mayor Howes said he agreed with the principles underlying this issue. He said Chapel Hill had long been looking at a way to work more closely with Chatham County on development issues. He said he was deeply disappointed at the failure of OWASA Board of Directors and staff to recognize the policy implications of the proposal. He said that they could have done so was the most disappointing thing of all because they were sensitive people. Mayor Howes said the point regarding timing made by Council Member Herzenberg was important and that the timing could not have been worse. He commented that the citizens of Chapel Hill who had paid, financially, for the Cane Creek Reservoir, and who had borne the enormous psychological burden of suffering through long dry summers while Chapel Hill steadfastly sought to build a safe and adequate reservoir were now extremely concerned that the water would now be potentially wasted. He agreed that there needed to be discussions with Chatham County. He said he did not know what kind of time requirements there were which caused the chairman of OWASA to say that Chapel Hill should have a response to OWASA by April 28, but that it was inconceivable to him that there was any time requirement. He said he felt it would be appropriate for Chapel Hill to talk to Chatham County, and he hoped the members of the OWASA Board heard this discussion.



Council Member Godschalk said there needed to be discussions on the Council's relationship with OWASA. He stated that since he had been on the Council, the Council had tried to make the relationship work by asking for meetings and at first the invitation was spurned and at the next meeting some of the members attended. He said he felt the Council needed to look for a different solution, possibly place one or two Council Members on the OWASA Board or something else. He said the Council had the Manager's Assistant attending the Board meetings and giving the Council reports on the meetings but this issue did not even come up in the meetings. Mr. Godschalk said it appeared to him that what the Council needed to do, besides talking with Chatham County, was to begin talking about how to work out a more functional relationship with OWASA.

Council Member Pasquini said the Council needed to make a motion that expressed the essence of the discussion on this issue so that the OWASA Board would understand the Council's concerns.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER THAT THE COUNCIL REQUEST OWASA NOT TO TAKE ANY ACTION ON THE PROPOSED AGREEMENT WITH CHATHAM COUNTY REGARDING THE SALE OF WATER UNTIL OWASA RECEIVES FURTHER INFORMATION FROM THE TOWN COUNCIL, AND THAT THE MAYOR AND MANAGER BE REQUESTED TO MEET WITH CHATHAM COUNTY REPRESENTATIVES AND REPORT BACK TO THE COUNCIL.

Robert Peck, speaking as Vice-Chair of OWASA Board of Directors, said one of the goals of OWASA was to foster cooperative water planning and that it currently had agreements with Butner, Durham and Hillsborough regarding the sale and purchase of water. He said OWASA was not and should not be involved in the policy issues of growth management. He pointed out that OWASA felt in the long run that it would also have to acquire water from Jordan Lake to supply water to southern Orange County. He said part of the agreement with Chatham County included cooperation in the placement of lines, etc. between Jordan Lake and OWASA. He commented that there was no deadline for the agreement with Chatham County from OWASA's standpoint. He said the push had come from Chatham County.

Council Member Preston asked if the OWASA Charter dealt with extension of water and sewer lines. Mr. Peck replied that the Charter did not limit the extensions.

Council Member Herzenberg said that the Manager should make the video tape of this meeting available to the OWASA Board of Directors so that they might have a better understanding of the Council's concerns on this issue.

THE MOTION PASSED UNANIMOUSLY, (9-0).

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Street Light Policy

Sonna Loewenthal, Assistant Town Manager, said street lights were provided throughout the Town of Chapel Hill through contracts with Duke Power to install, own and maintain the fixtures. She said in 1986 the Council adopted a master plan on street lighting and the main point of the plan was to increase the level of light throughout the entire town based upon the Illumination Engineering Society (IES) Standards. She said the IES standards were defined by intensity and uniformity of light and differed according to types of streets. Ms. Loewenthal the Town had installed the IES standard lighting in most of the commercial streets in town. She said in February the Council set up a Street Lighting Committee to study the standards. Ms. Loewenthal said the group included two Council Members, Andresen and Wilkerson, two residents, a developer, a Duke Power representative and two staff members. She stated that the consensus recommendations of the committee were: 1) to restate the first goal for street lighting to emphasize the element of safety; 2) to restate residential street lighting standards in terms of intervals between lights rather than in terms of intensity and uniformity of lights, which would lower the amount of residential areas below the standard adopted in 1986 but still above that which currently exists in most residential areas; 3) to change the standard hardware to a lower, more decorative light, but that choices be allowed; and 4) to avoid any kind of private street lighting systems.

Council Member Werner said that it appeared that the recommendation was to go from a standard based on IES standard based on illumination to a prescriptive one for poles and distances. He asked what was the illumination ratio and safety measure in relation to the requirement that the light fixtures be placed 220' apart. He said he did not see how the proposal would meet certain safety requirements. Ms. Loewenthal said the proposal was a compromise between the IES standards which included level and conformity of illumination to one of interval. She said that previously to 1986 the standard was for a light at every corner and if the block were longer than 600' then a light would be installed at the center and represented an interval based standard. Council Member Werner said he still did not understand what would be the illumination standard for the lights and would that illumination be strong enough to provide the measure of safety required.

Council Member Andresen said the committee understood that the primary purpose was safety but that there were other considerations as well. She said that the safest possible thing would be to everything lit up so that, at night, it appeared as if it were daylight. She commented that Adam's Way in Southbridge had the 100% IES standard lights, with tall poles and the illumination was very bright. She said the committee had felt that this was not suitable for a residential area in Chapel Hill. Ms. Andresen said that the 220' standard was by looking at another development, Chesley, which had half as many poles as necessary under

the current IES standards. She said that while technically speaking there were "dead dark spots in between the lights" she said it was possible to drive the street at night without headlights and still be able to see where one was going. Ms. Andresen said the committee felt that aesthetic standards needed to be looked at for Chapel Hill as well as the IES standards.

Council Member Werner said that the Chesley subdivision looked very nice but that it had a lot of cul-de-sacs. He asked what would this light standard be like in a hilly area with a through street and cars that would be traveling at a faster speed than in Chesley. He asked how would the Public Works Department make the determination of what would be a safe spacing or level of illumination. He said he was afraid that what was proposed was a prescription for a totally ad hoc approach that would become fairly arbitrary and would get into aesthetic arguments and would have no standard upon which to make a minimum determination that the safety issues were being met.

Ms. Loewenthal said the proposed change was only in local residential streets and did not apply to collectors or any other higher intensity use street.

Council Member Herzenberg said he agreed with Council Member Werner's concerns. He also said that in older residential areas there needed to be more flexibility was needed. He said that by setting the 220' standard it appeared to him to be moving away from flexibility. He said what was needed was a level of light.

Bruce Heflin, Public Works Director, said that 220' intervals at Chesley Subdivision were the original spacing necessary to meet the 50% of IES standards had 30' poles and conventional cobra head fixture been used. He said at the suggestion of Mr. Touchstone of Duke Power the alternative hardware was used to see what the lighting would be. He said the feeling was of those who looked at it was that there was an adequate level of light for normal traffic patterns. Mr. Heflin said on streets with a higher classification of use it was proposed that additional lighting be used as the situation dictated. He said some of the factors which would dictate a change would be things like topography, density, crime rates, etc. He said the staff would like to have some flexibility to meet the different characteristics of individual streets. He stated that the study group suggested that the guiding principle be to minimize the number of lights and the intrusion of lights into the residential setting while still achieving the other elements which were desirable.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-4-25/R-6.

Council Member Werner asked how the staff could use the policy to ensure that the primary criterion, safety, was met. Mr. Heflin replied that safety in some ways was a perception and there were areas with a significant amount of lighting in which an individual would still not feel safe and that there were areas with a less amount of lighting where one may feel very safe. He said this related back to certain criteria which the staff would try to apply to a given situation and which the staff has asked for the flexibility to deal with in the correct manner. He said for instance in a high crime area, additional lighting would be recommended but in a more traditional neighborhood with a lower incidence of crime and low traffic patterns then the 220' or less would be suitable.

Council Member Werner asked if the proposal gave the staff enough flexibility where if it were an area of high crime or the terrain was such that additional lighting would be able to be required. Mr. Heflin said that he believed that it did and that the plan be reviewed periodically and updated as events dictated.

Council Member Herzenberg asked why the recommendation regarding the setting of street lights to 220' apart read that the street lights be placed so as to provide the lowest level of light consistent with safety. He said this might not be quantifiable as a standard but it made more sense to him than having the rigid placement of lights every 220 feet.

Council Member Godschalk said he did not think, as a subdivision designer, that he could figure out what that would be. He said he felt there needed to be some practical guidance to people developing the subdivisions and putting the street lights in place. He said the idea of adopting the policy as recommended and reviewing it after a certain time and modifying as deemed necessary seemed to him to be the best approach.

THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS HERZENBERG AND WERNER VOTING AGAINST.

Council Member Andresen said this had been a complicated project and she appreciated the time the individuals on the committee had spent on the project. She thanked the members of the committee, Council Member Wilkerson, Sally Jessee, Larry Touchstone, Steven Birdsall, Ronnie Mann, Bruce Heflin and Sonna Loewenthal.

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE MASTER PLAN FOR STREET LIGHTING FOR THE TOWN OF CHAPEL HILL AND DIRECTING THE TOWN MANAGER TO IMPLEMENT ITS COMPONENTS (88-4-25/R-6)

WHEREAS, a master plan for street lighting has been adopted by the Council of the Town of Chapel Hill (86-5-12/R-9); and

WHEREAS, there is a need to amend and clarify certain sections of said plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the amendments to the plan, as set out below:

1. Restate Goal #1 to read (underlined words added):

To provide for safe use of Town streets by motorists and pedestrians through matching appropriate levels of lighting to classification of street.

2. Change Policy Guideline #1 to state that residential streets will be lighted at 220-foot intervals, with amendments as needed to take into account local conditions such as topography, traffic volumes, number of intersections, crime rates and other factors such as those mentioned in Policy Guideline #5.
3. Change Policy Guideline #2 to reflect the new standard as per Guideline #1.
4. Change Guideline #3 to reflect the new standard expressed in #1.
5. Revise Guideline #4 to state that "the Town standard for residential street lighting shall be Duke Power's economical traditional luminaire, mounted on a 12-foot fiberglass pole. Exceptions to this standard may be approved when a duly authorized officer of a neighborhood group requests another configuration of hardware, and whereby any cost difference for the different hardware can be paid by the developer or representative in a lump sum prior to installation of the lights, and whereby the chosen lighting configuration results in the same cost to the Town per month in rental fees as the Town standard, and whereby Duke Power will agree to own, install, maintain and otherwise service said hardware."
6. Further revise Guideline #4 to remove the possibility of a homeowners' association petitioning to pay additional operating costs required by non-standard street lights.
7. Add to Policy Guideline #3 a prohibition on private street lighting systems: "Private street lighting systems will not be allowed other than for accent or driveway lighting, or other decorative purposes."

BE IT FURTHER RESOLVED that the Manager is directed to implement the Master Plan as part of each annual recommended budget as funds allow, until the basic components of the Plan have been accomplished.

This the 25th day of April, 1988.

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Municipal Building Expansion Site Plan Submittal

Council Member Preston said that the Council had held a work session on April 19 on the site plan for the Municipal Building Expansion. She said what was proposed this evening was for the Council to ratify the submittal of the application for site plan approval and approving in principal the drawings presented at the work session. She said, however, that further research had indicated that the Municipal Building was covered by a Special Use Permit issued in 1971 and that as such the Council would need to either abandon the Special Use Permit and therefore continue with the site plan approval process or modify the Special Use Permit in relation to the expansion. She said that what was recommended this evening was for the Council to adopt the resolution sending the site plan to the Planning Board and on May 9, the Council could consider the options relative to the Special Use Permit.

Sonna Loewenthal said that adoption of the resolution ratifying the site plan allowed for the process to continue. She said if the Council chose to abandon the Special Use Permit then there would be no delay in the processing of the application for site plan approval.

Council Member Werner asked what would the Council be approving by adopting the resolution ratifying the Site Plan Approval. He wanted to be sure that design details, like the proposed clock tower could still be discussed and removed.

Council Member Preston said changes of that nature could still be made and that what the Council was approving was the location of the expansion on the site and the general layout.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-4-25/R-7. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RATIFYING THE SUBMITTAL OF SITE PLAN APPROVAL APPLICATION FOR THE MUNICIPAL BUILDING EXPANSION DATED APRIL 12, 1988 AND APPROVING IN CONCEPT THE DRAWINGS DATED APRIL 19, 1988 (88-4-25/R-7)

WHEREAS, the Town Council has appointed a Municipal Building Expansion (MBE) Committee and charged it with working with the architects during the design of the project; and

WHEREAS, the MBE Committee has recommended the ratification of the Site Plan Approval application submitted on April 12; and

WHEREAS, the MBE Committee has worked with the architects on the drawings of the exterior entrance, of the Council chamber, and of the floor of offices and other space for the Mayor and Council; and

WHEREAS, the MBE Committee approved in principal the drawings presented to and modified by the Council at its April 19 work session; and

WHEREAS, the Site Plan submittal and drawings as modified are all consistent with resolutions previously adopted concerning the location on the site of the expansion and the conceptual drawings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council ratifies the Site Plan Approval application submitted April 12.

BE IT FURTHER RESOLVED that the Council approves in concept the drawings of the entrance, the Council chamber, and office and conference space for the Mayor and Council, with revisions suggested at the Council's April 19 work session.

This the 25th day of April, 1988.

Budget - Manager's Recommended Budget for FY 1988-89

Manager Taylor said in deference to the lateness of the hour, 11:08 p.m., he would discuss in detail the recommended budget at the May 9 public hearing. He said at that time the Council could decide if it wished to hold any work sessions on the budget. He stated that the anticipated adoption date for the budget was for the Wednesday, May 25 meeting of the Council.

Operating Budgets for Public Housing

Manager Taylor said the proposed resolutions would authorize resubmittal of an operating budget for the Town's public housing for the period of January 1, 1988 to June 30, 1988 to be consistent with the recently approved fiscal year by HUD and to authorize submittal of the proposed budgets for the period of July 1, 1988 to June 30, 1989.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTIONS 88-4-25/R-8.1, 8-2. 8.3, 8.4, 8.5, AND 8.6. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions, as adopted, read as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR JANUARY 1, 1988 THROUGH JUNE 30, 1988 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PROJECT NO(S) NC 46-1, 2, 4, 5, 6, 7, 9 (88-4-25/R-8.1)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1988; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operation of the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budget does not provide for use of federal funding in excess of that payable under the Performance Funding System; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207(a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project(s); and

WHEREAS, all persons responsible for 75 or more units of public housing will be certified by an approved certifying organization within six months;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the submission of an operating budget for the fiscal year ending June 30, 1988.

This the 25th day of April, 1988.

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OPERATING BUDGET FOR THE LOW RENT LEASED HOUSING PROGRAM FOR JANUARY 1, 1988 THROUGH JUNE 30, 1988 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PROJECT NO. NC-46-3 (88-4-25/R-8.2)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1988; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operation of the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budget does not provide for use of federal funding in excess of that payable under the Performance Funding System; and



WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207(a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project(s); and

WHEREAS, all persons responsible for 75 or more units of public housing will be certified by an approved certifying organization within six months;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the submission of an operating budget for the fiscal year ending June 30, 1988.

This the 25th day of April, 1988.

A RESOLUTION CONFIRMING THAT THE PERSON RESPONSIBLE FOR HOUSING MANAGEMENT DUTIES WILL BE CERTIFIED BY AN APPROVED CERTIFYING AGENCY (88-4-25/R-8.3)

WHEREAS, Tina Vaughn, Director of the Department of Housing and Community Development, will be certified by the National Association of Housing and Redevelopment Officials as a Public Housing Manager within six months; and

WHEREAS, the National Association of Housing and Redevelopment Officials is an approved Certifying Agency; and

WHEREAS, this person performs housing management duties;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the person involved in the performance of housing management duties will meet certification requirements as set forth in Federal Register Volume 41, Number 190, Wednesday, September 29, 1976,; pp. 43088-43092, and the salary of such person is an eligible operating expenditure.

This the 25th day of April, 1988.

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A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR FISCAL YEAR 1988-1989 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PROJECT NO(S) NC 46-1, 2, 4, 5, 6, 7, 9 (88-4-25/R-8.4)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1989; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operation of the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budget does not provide for use of federal funding in excess of that payable under the Performance Funding System; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207(a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project(s); and

WHEREAS, all persons responsible for 75 or more units of public housing will be certified by an approved certifying organization within six months;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the submission of an operating budget for the fiscal year ending June 30, 1989.

This the 25th day of April, 1988.

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OPERATING BUDGET FOR THE LOW RENT LEASED HOUSING PROGRAM FOR FISCAL YEAR 1988-1989 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PROJECT NO. NC-46-3 (88-4-25/R-8.5)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1989; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operation of the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budget does not provide for use of federal funding in excess of that payable under the Performance Funding System; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207(a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project(s); and

WHEREAS, all persons responsible for 75 or more units of public housing will be certified by an approved certifying organization within six months;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the submission of an operating budget for the fiscal year ending June 30, 1989.

This the 25th day of April, 1988.

A RESOLUTION CONFIRMING THAT THE PERSON RESPONSIBLE FOR HOUSING MANAGEMENT DUTIES WILL BE CERTIFIED BY AN APPROVED CERTIFYING AGENCY (88-4-25/R-8.6)

WHEREAS, Tina Vaughn, Director of the Department of Housing and Community Development, will be certified by the National Association of Housing and Redevelopment Officials as a Public Housing Manager within six months; and

WHEREAS, the National Association of Housing and Redevelopment Officials is an approved Certifying Agency; and

WHEREAS, this person performs housing management duties;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the person involved in the performance of housing management duties will meet certification requirements as set forth in Federal Register Volume 41, Number 190, Wednesday, September 29, 1976,; pp. 43088-43092, and the salary of such person is an eligible operating expenditure.

This the 25th day of April, 1988.

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Community Development Plan - 1988

Manager Taylor said this was the 1988 Community Development Grant application submittal.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT RESOLUTION 88-4-25/R-9. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A FINAL STATEMENT FOR A 1988 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT (88-4-25/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit the Final Statement for the Community Development Program, as described in the Manager's memorandum to the Council dated April 25, 1988, to the U. S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein, for a program of \$284,000 (\$279,000 grant and \$5,000 program income) in Community Development Entitlement Funds.

BE IT FURTHER RESOLVED that the Council endorses as a concept plan the general spending plan for 1989 as contained in the Manager's memorandum to the Council of March 14, 1988; such spending plan to be refined each year into a proposed Final Statement for submission to be refined each year into a proposed Final Statement for submission to the U. S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Manager is hereby directed and designated as the authorized representative of the Town to act in connection with submission of the Final Statement and to provide such additional information as may be required.

This the 25th day of April, 1988.

Quarterly Reports

Triangle J Council of Governments

Mayor Howes said he had nothing to report.

Joint Orange Chatham Community Action

Council Member Preston asked the Mayor to remember with his discussions with Chatham County that 50% of the housing in northern Chatham which could not be rehabilitated was due to the inability of the land to perk for sewer service. She said it would be nice if there could be discussions and concessions regarding low cost housing in that area.

Council Member Herzenberg commented that everyone in the JOCCA offices drank bottled water.

Solid Waste Task Force

Council Member Preston said they had met in early April and had asked the consultants to provide additional information on certain issues so that a public forums on the status and proposals had been postponed, probably until the fall when the draft proposal should be available.

Transportation Advisory Committee

Mayor Howes said he had nothing to report.

Water Resources Committee

Council Member Andresen said the Water Resources had subdivided into two work committees to look at the use of Jordan Lake as a water supply and to review the water quality issues associated with the Jordan reservoir.

Manager Taylor said the staff's third quarterly report was included in the Council's agenda packet and that he was available to answer any questions. He urged the Council to use the information in evaluating the budget for next year.

Council Member Herzenberg commented that the report indicated that the number of incidents of speeding and running of stop signs had increased. Manager Taylor agreed and that the rate of apprehension had also improved but that the staff was monitoring this issue.

Consent Agenda

Mayor Howes stated that item #d would be removed in response to the petition by N.C. Equipment Company.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT RESOLUTION 88-4-25/R-10 MINUS ITEM #D. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions and ordinances, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (88-4-25/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the ordinances and resolutions submitted by the Manager in regard to the following:

- a. Annexation of Riggsbee Property (O-3).

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- b. UNC Orientation Traffic August 27 (O-4).
- c. Street closing for NC Special Olympics May 13 (R-11).
- e. Transferring sewer easement to OWASA (R-13).

This the 25th day of April, 1988.

Annexation - Riggsbee Property

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (88-4-25/O-3)

WHEREAS, the Council of the Town of Chapel Hill has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, N. C., 27514, at 7:30 p.m. on April 11, 1988 after due notice by publication on April 1 and April 10, 1988; and

WHEREAS, the Council of the Town of Chapel Hill does find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill:

SECTION I

By virtue of the authority granted by G.S. 160A-31, as amended, the following described property is hereby annexed and made part of the Town of Chapel Hill as of April 30, 1988.

The area is described as follows:

BEGINNING at an iron pin at the northwest corner of Lot 1, Sec. 1 of Stratford Glen; thence along the eastern line of the I. T. Chad property; N 13-34-05 E, 78.80' to the northwest corner of Lot 12, Sec. 1, Stratford Glen; thence N 70-38-42 W, 106.30' to a point on the southern line of Lot 14; thence continuing along the southern line of Lot 14, N 64-27-22 W, 79.83' to the southwest corner of Lot 14; thence along the B. T. Morris line, N 31-10-44 E, 130.38' to a point on the western line of Lot 15; thence along the western line of Lots 15, 16 and 17, N 05-30-34 E, 331.04' to a point; thence leaving the western line of Lot 17, S 75-50-07 E, 528.48' to a point on the western right-of-way of Pope Road (S.R. 1113); thence along the western right-

of-way of Pope Road, S 16-41-16 E, 514.39' to a point; thence along a curve to the left having a radius of 2306.06' and an arc of 38.95' to a point on the northern line of Lot 3, Sec. 1 of Stratford Glen; thence along the northern line of Lot 3, N 76-27-02 W, 307.69' to the point of BEGINNING containing 5.9 acres more or less and known as all of Lots 4 thru 16, and portions of Lots 17 and 18, Section 2, Stratford Glen.

SECTION II

Upon April 30, 1988 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION III

The Manager of the Town of Chapel Hill shall cause to be recorded in the Offices of the Register of Deeds of Orange County and the Orange County Board of Elections, and in the offices of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

This the 25th day of April, 1988.

UNC Orientation Traffic

The ordinance, as adopted, reads as follows:

AN ORDINANCE PROVIDING FOR TEMPORARY ONE-WAY STREETS (88-4-25/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that on the 27th day of August, 1988 between the hours of 8 a.m. and 5 p.m.:

Raleigh Street shall be limited to one-way traffic, flowing north from South Road to Franklin Street; and

Cameron Avenue/Country Club Road shall be limited to one-way traffic, flowing east from Columbia Street to Gimghoul Road.

This the 25th day of April, 1988.

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Special Olympics - Street Closing

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF RIDGE ROAD ON MAY 13, 1988 (88-4-25/R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of Ridge Road between Laurel Hill Road and Stadium Drive between 8:30 and 9:30 p.m. for a fireworks display to be held in conjunction with the opening ceremonies of the North Carolina Special Olympics, subject to the following conditions:

- That the Special Olympics Committee obtain and abide by the provisions of a fireworks permit from the Chapel Hill Fire Department;
- That the Special Olympics Committee shall comply with reasonable directives of the Town's Police and Fire Departments, and the University administration and Police to assure the safety of persons and property in the vicinity of the fireworks display; and
- That barricades be placed at each end of the closed area with sworn officers stationed to enable access for emergency vehicles if necessary.

This the 25th day of April, 1988.

Transferring of Sewer Easement to OWASA - Tandler Homeownership Program

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TRANSFER OF TOWN SEWER EASEMENT FOR THE HOMEOWNERSHIP PROGRAM (88-4-25/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Mayor to sign an easement transferring the following Town-owned sewer easement to Orange Water and Sewer Authority for the Homeownership Program.

<u>Parcel No.</u>	<u>Owner</u>	<u>Acquisition</u>	<u>Area</u>
91-H-3	William Smith	Sewer easement	1,180 sq. ft.

This the 25th day of April, 1988.



Tractor Crawler Bid for Landfill

Manager Taylor said the proposal was to accept the bid for the tractor crawler for the landfill from Gregory Poole Equipment Company. He said the bids had been let for outright purchase and for guaranteed maintenance and repurchase (total cost bidding, TCB). He said the Town had followed the requirements for the open bidding process and that four responses had been received. Mr. Taylor stated that of the four responses, two had been no bids, one was from N.C. Equipment and one from Gregory Poole Equipment. He said that Gregory Poole Equipment Company's bid was the only one which included guaranteed maintenance and repurchase. He stated that it was the staff's belief that the Total Cost Bid with the guaranteed maintenance and repurchase was what was preferred for the purchase of this item.

Bob Williamson, representing North Carolina Equipment Company, said that his company had bid for the equipment at a cost of \$9,000 less than the other bid and was not receiving the contract. He said that total cost bidding was hardly ever done these days because it was virtually impossible to get the performance bond. He said he felt Total Cost Bidding restricted competition. Mr. Williamson stated that he had contacted the four cities indicated in the staff memorandum as using the total cost bidding process and had been told that those cities were not using that form of bidding. He said that his company had sold a tractor crawler to Chapel Hill in 1981 and that as of July, 1986 the cost of repairs to the machine had only been \$26,000 which was nowhere near the \$80,000 maximum allowed in the bid by Gregory Poole.

Council Member Wilkerson asked the Manager to comment on the statements made by Mr. Williamson. Manager Taylor said that cash could be put up in lieu of a performance bond and that the Town had followed the procedures for an open bidding process. He said it was the staff's contention that guaranteed maintenance and repurchase were in the best interest of the Town in the purchase of this equipment.

Bruce Heflin, Public Works Director, said that he had personally contacted Raleigh, Durham and Winston-Salem and had been told that they were currently using or pursuing the total cost bid procedures for purchase of equipment like the tractor crawler. He said in the last 12 months alone, the Town's current tractor crawler had incurred over \$25,000 in repair and that the use of the equipment would be escalating over the next few years. He said the proposal from Gregory Poole was that the seller guaranteed that repairs on the equipment would not exceed \$80,000 over 5 years or 7,500 hours of operation and that at the end of 5 years it would repurchase the equipment for \$110,000. Mr. Heflin stated that N.C. Equipment's bid had contained no maintenance or repurchase guarantee.

Council Member Preston asked if the equipment would have to be sold back at the end of 5 years and what was the average life of such a machine. Mr. Heflin replied no and that the stated lifespan was 10 to 15 years but that he expected it to average between 6 and 7 years. He reiterated that the use of the landfill was expected to increase over the next few years and therefore the lifespan of the equipment would be lessened accordingly.

Council Member Godschalk asked what would happen if the Town wanted to sell the equipment after the 5-year repurchase guarantee had expired. Mr. Heflin replied that the Town would advertise new bids and ask for a trade-in on the used equipment.

Council Member Wilkerson said that he had also contacted Raleigh, Durham, Charlotte and Winston-Salem regarding their purchasing procedures and had been told a different story in that they were not using the Total Cost Bidding procedures. He said he wondered if this were the correct time to be going to this method of purchasing. He said if the lifespan of the equipment was 10 to 15 years and there was no guarantee that after 5 years the equipment would be able to be traded in on newer equipment then he was not sure the total cost bidding should be used.

Council Member Godschalk said that in light of the comments made and the lateness of the hour that it might be prudent to defer action on this issue until the next meeting.

Mayor Howes asked if there were any time schedule associated with the bidding procedure which would be hampered by delaying this matter. Manager Taylor replied no.

Council Member Wilkerson said that he would like more information on the surety bond questions.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO DEFER ACTION ON THIS ITEM UNTIL THE NEXT REGULAR MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

#### Executive Session

Mayor Howes said that the executive session had been cancelled.

Mayor Howes said that it was the consensus of the Council to postpone the May 2 quarterly meeting with the Parks and Recreation Commission and Transportation Board until such a time as most of the Council Members could be in attendance.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 11:40 p.m.